

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
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-v- : 19-CR-696 (PAE)
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ARI TEMAN, :
:
:
Defendant. :
:
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PAUL A. ENGELMAYER, United States District Judge:

The Court has received the Government's memorandum of law, Dkt. 39, submitted in opposition to defendant Ari Teman's motion to suppress, Dkt. 34. The Government's memorandum of law turns on factual representations about the defendant's arrest, including with respect to the identity, affiliation, and authority of the law enforcement officers who were present for and carried out that arrest.

These facts appear germane to the resolution of the motion. However, these factual representations, at present, are contained solely in a memorandum of law. As such, they are not cognizable, and the Court cannot credit them. The Government has not substantiated them by, *e.g.*, submitting along with its memorandum of law a sworn declaration or affidavit by a person competent to attest to such facts, setting forth the basis for the witness's knowledge.

The Court will give the Government until the close of Tuesday, December 17, 2019, to file a sworn declaration validating the factual representations in its memorandum of law. To the extent there is documentary corroboration of these points, the Court encourages Government counsel to attach such documentation as exhibits to its declaration.

SO ORDERED.

Paul A. Engelmayer

PAUL A. ENGELMAYER
United States District Judge

Dated: December 16, 2019
New York, New York